

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Twelfth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 5, 1984 - June 20, 1985

STATE OF MAINE
One Hundred and Twelfth Legislature
First Regular Session
JOURNAL OF THE SENATE
In Senate Chamber
Thursday
May 2, 1985
Senate called to Order by the President.

Prayer by Pastor Ken Dutille of the Calvary Bible Baptist Church in North Whitefield.

PASTOR DUTILLE: We're so thankful, Lord, today for our freedom, for the freedom to choose our religion, our profession, our trade, our career. Lord, we're so thankful today, also Lord, for: human rights; for the right to vote to elect the men and women to office who pass the laws of this State. Lord, we're so thankful today for: the tough times that You put us through; for that north wind that forces the pine tree to send down studding roots to granite earth; for the rod in the shepherds hand that strikes the sheep lest it blindly runs off.

There's been times, Oh Lord, when only through great difficulties have we learned some valuable lessons in our life. We ought to remember, Lord, today, that there is no progress without pain, there's no birth without painful travail, there's no patience without trials, there's no success without strife, no gain without pain. Thank you for troubles that are not really troubles after all, but only blessings in disguise.

Give us, this morning, a spirit of unity, guidance and wisdom, by the memories of our States glories past make us alert to the call of the present. We ask in the name of Him who hung on the cross, stretching forth his loving arms to draw all men unto Himself, Jesus Christ, our Lord. Amen.

Reading of the Journal of Yesterday.

(Off Record Remarks)

PAPERS FROM THE HOUSE House Papers

Bill "An Act Relating to Increased Financial Support for the University of Maine" (H.P. 1002) (L.D. 1444)

Comes from the House referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **ORDERED PRINTED**.

Which was referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **ORDERED PRINTED**, in concurrence.

Bill "An Act to Require Recognition of Nursing Licenses Granted in other Jurisdictions" (H.P. 1003) (L.D. 1445)

Comes from the House referred to the Committee on **BUSINESS AND COMMERCE** and **ORDERED PRINTED**.

Which was referred to the Committee on **BUSINESS AND COMMERCE** and **ORDERED PRINTED**, in concurrence.

Bill "An Act Concerning the Education Laws and Compensation and Recognition of Teachers" (H.P. 1001) (L.D. 1443)

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and **ORDERED PRINTED**.

Comes from the House referred to the Committee on **EDUCATION** and **ORDERED PRINTED**.

Which was referred to the Committee on **EDUCATION** and **ORDERED PRINTED**, in concurrence.

SENATE PAPERS

Bill "An Act to Restrict the Use of All-terrain Vehicles in Residential Areas and Along Roadways" (S.P. 541) (L.D. 1450) Presented by Senator **BROWN** of Washington Cosponsored by: Representative **SALSBURY** of Bar Harbor, Representative **WEYMOUTH** of West Gardiner, Representative **MOHOLLAND** of Princeton

Which was referred to the Committee on

FISHERIES AND WILDLIFE and ORDERED PRINTED.

Sent down for concurrence.

Resolve, Encouraging State Policy of Independence from Foreign Sources of Energy for Electric Utilities (Emergency) (S.P. 542) (L.D. 1451) Presented by Senator **BALDACCIO** of Penobscot

Which was referred to the Committee on **UTILITIES and ORDERED PRINTED**.

Sent down for concurrence.

(Off Record Remarks)

COMMITTEE REPORTS House

Ought Not to Pass

The following **Ought Not to Pass** reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Provide Faculty and Instructor Recognition Grants to Vocational-technical Institute Faculty and Instructors" (H.P. 392) (L.D. 541)

Bill "An Act to Improve Teachers' Salaries" (H.P. 353) (L.D. 474)

Bill "An Act to Permit Mediation of Water Level Disputes" (H.P. 565) (L.D. 836)

Bill "An Act Related to Enforcement Action for Violations of Proper Display of License Plates and Motor Vehicle Inspection Requirements" (H.P. 502) (L.D. 705)

Bill "An Act to Permit Reasonable Visitation Rights for Grandparents when a Parent is Deceased" (H.P. 170) (L.D. 204)

Bill "An Act to Require Registration of Sex Offenders by Local Municipalities" (H.P. 486) (L.D. 689)

Leave to Withdraw

The following **Leave to Withdraw** reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act Concerning Issuance of Licenses and Permits to Persons Whose Personal Property Tax is Unpaid" (Emergency) (H.P. 88) (L.D. 108)

Bill "An Act to Amend the Education laws" (H.P. 796) (L.D. 1126)

Bill "An Act to Permit Restructuring of School Administrative Districts" (H.P. 870) (L.D. 1227)

Bill "An Act to Require Seat Belts for Persons Riding in Open-back Vehicles" (H.P. 246) (L.D. 287)

Bill "An Act to Provide for a Sales Tax on the Advertising of Alcoholic Beverages" (H.P. 639) (L.D. 907)

Ought to Pass

The Committee on **LEGAL AFFAIRS** on Bill "An Act to Amend the Law Concerning Smoke Detectors in all Multiapartment Dwellings" (H.P. 279) (L.D. 349)

Reported that the same **Ought to Pass**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

The Bill **TOMORROW ASSIGNED FOR SECOND READING**.

Ought to Pass As Amended

The Committee on **AGING, RETIREMENT AND VETERANS** on Bill "An Act to Clarify the Definition of Spouse and to Add a Definition of Substantial Gainful Activity" (H.P. 426) (L.D. 606)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-102).

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-102).

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-102) was **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended TOMORROW ASSIGNED FOR SECOND READING**.

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Establish a Fire Fighter Training Facilities Grant Program" (H.P. 152) (L.D. 186)

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-100).

Comes from the House, with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-100).

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill **READ ONCE**.

Committee Amendment "A" (H-100) was **READ** and **ADOPTED**, in concurrence.

The Bill as **Amended TOMORROW ASSIGNED FOR SECOND READING**.

Ought to Pass in New Draft

The Committee on **STATE GOVERNMENT** on Resolve, Pertaining to a State Employee Health Promotion (Emergency) (H.P. 697) (L.D. 992)

Reported that the same **Ought to Pass in New Draft** under same title (Emergency) (H.P. 990) (L.D. 1428)

Comes from the House, the Report **READ** and **ACCEPTED** and the Resolve in **NEW DRAFT PASSED TO BE ENGROSSED**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Resolve in **NEW DRAFT READ ONCE**.

The Resolve in **NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING**.

Ought to Pass in New Draft under New Title

The Committee on **AGING, RETIREMENT AND VETERANS** on Bill "An Act to Prevent Double Benefits for the Same Period of Service, to Provide Membership as of the Effective Date of First Contributions and to Provide that Benefits be Paid only to Members, their Dependent or Beneficiaries" (H.P. 403) (L.D. 556)

Reported the same **Ought to Pass in New Draft under New Title** Bill "An Act to Prevent Double Benefits for the Same Period of Service, to Provide Membership as of the Effective Date of First Contributions and to Provide that Benefits be Paid only to Members, their Dependents or Beneficiaries" (H.P. 999) (L.D. 1441)

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill, in **NEW DRAFT under NEW TITLE, PASSED TO BE ENGROSSED**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill, in **NEW DRAFT under NEW TITLE, READ ONCE**.

The Bill, in **NEW DRAFT under NEW TITLE, TOMORROW ASSIGNED FOR SECOND READING**.

The Committee on **STATE GOVERNMENT** on Bill "An Act to Establish the Least-cost Principle" (H.P. 609) (L.D. 879)

Reported the same **Ought to Pass in New Draft under New Title** Bill "An Act to Establish the Departmental Indirect Cost Allocation Program" (Emergency) (H.P. 998) (L.D. 1440)

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill, in **NEW DRAFT under NEW TITLE, PASSED TO BE ENGROSSED**.

Which Report was **READ** and **ACCEPTED**, in concurrence.

The Bill, in **NEW DRAFT under NEW TITLE, READ ONCE**.

The Bill, in **NEW DRAFT under NEW**

TITLE, TOMORROW ASSIGNED FOR SECOND READING.**Senate
Ought Not to Pass**

The following **Ought Not to Pass** report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act to Increase Fees for Beano and Games of Chance" (S.P. 123) (L.D. 363)

Leave to Withdraw

The following **Leave to Withdraw** reports shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill "An Act Concerning the Payment and State Reimbursement to Boarding Care Facilities" (S.P. 195) (L.D. 513)

Bill "An Act to Create a Commission on the Financial Needs of Maine Small Businesses" (S.P. 184) (L.D. 502)

Change of Reference

Senator **BROWN** for the Committee on **EDUCATION** on Bill "An Act to Alter the Driver Education Evaluation Program" (S.P. 368) (L.D. 1002)

Reported that the same be **REFERRED** to the Committee on **HUMAN RESOURCES**.

Which Report was **READ** and **ACCEPTED**.

The Bill **REFERRED** to the Committee on **HUMAN RESOURCES**.

Sent down for concurrence.

Ought to Pass

Senator **STOVER** for the Committee on **LEGAL AFFAIRS** on Bill "An Act Concerning the Value of Prizes that may be Awarded on Beano" (S.P. 372) (L.D. 1006)

Reported that the same **Ought to Pass**.

Which Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE**.

The Bill **TOMORROW ASSIGNED FOR SECOND READING**.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act Providing for Change of Venue of Criminal Cases" (S.P. 110) (L.D. 325)

Reported that the same **Ought to Pass** in **NEW DRAFT** under same title. (S.P. 543) (L.D. 1452)

Signed:

Sensors:

CARPENTER of Aroostook
CHALMERS of Knox
SEWALL of Lincoln

Representatives:

LEBOWITZ of Bangor
COOPER of Windham
MacBRIDE of Presque Isle
DRINKWATER of Belfast
CARRIER of Westbrook
PRIEST of Brunswick
KANE of South Portland
PARADIS of Augusta
ALLEN of Washington

The Minority of the same Committee on the same subject reported that the same **Ought Not to Pass**.

Signed:

Representative:

STETSON of Damariscotta

Which Reports were **READ**.

The Majority **UGHT TO PASS IN NEW DRAFT** Report was **ACCEPTED**.

The Bill in **NEW DRAFT READ ONCE**.

The Bill in **NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING**.

SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

House

Bill "An Act to Increase the Allocation for Personal Services Expenditures under the Maine Hazardous Waste Fund for Fiscal Year

1985" (Emergency) (H.P. 873) (L.D. 1230)

Bill "An Act to Provide for Public Rest Rooms in Eating Establishments" (H.P. 980) (L.D. 1411)

Bill "An Act to Shorten the Final Pay Settlement of Milk Dealers to Producers" (H.P. 981) (L.D. 1412)

Bill "An Act Requiring the Department of Educational and Cultural Services to Establish Models for Evaluating Teachers" (H.P. 989) (L.D. 1420)

Which were **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, in concurrence.

Senate

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (S.P. 539) (L.D. 1446)

Bill "An Act Relating to Instruction in American Sign Language in Public Schools and Institutions of Higher Education" (S.P. 540) (L.D. 1447)

Which were **READ A SECOND TIME** and **PASSED TO BE ENGROSSED**.

Sent down for concurrence.

Senate As Amended

Bill "An Act to Make Additional Allocations from the Highway Fund for the Fiscal Year Ending June 30, 1985" (Emergency) (S.P. 319) (L.D. 808) (C "A" S-66)

Which was **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, as Amended**.

Sent down for concurrence.

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

An Act to Require Completion of an Education Program in Order to be Eligible to Purchase an Initial Trapping License (H.P. 527) (L.D. 747)

Which was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

The President laid before the Senate the first Tabled and Specially Assigned matter:

An Act to License Dietitians (S.P. 520) (L.D. 1397)

Tabled—May 1, 1985, by Senator **VIOLETTE** of Aroostook.

Pending—**ENACTMENT**

(In House, April 30, 1985, **PASSED TO BE ENACTED**.)

(In Senate, April 25, 1985, **PASSED TO BE ENGROSSED**.)

On motion by Senator **VIOLETTE** of Aroostook Tabled 1 Legislative Day, pending **ENACTMENT**.

The President laid before the Senate the Tabled and Specially Assigned matter:

Emergency

An Act to Include Restitution as a Disciplinary Consequence to Inmate Misconduct at State Correctional Facilities (H.P. 952) (L.D. 1371)

Tabled—May 1, 1985, by Senator **VIOLETTE** of Aroostook.

Pending—**ENACTMENT**

(In House, April 30, 1985, **PASSED TO BE ENACTED**.)

(In Senate, April 26, 1985, **PASSED TO BE ENGROSSED**, in concurrence.)

On motion by Senator **VIOLETTE** of Aroostook Tabled Unassigned, pending **ENACTMENT**.

(Off Record Remarks)

The President laid before the Senate the Tabled and Specially Assigned matter:

Bill "An Act to Provide that Cost-of-Living Plans for Retired Persons under the Maine

State Retirement System shall Apply to All Participating Local Districts that do not Provide Social Security Benefits for Employees" (H.P. 661) (L.D. 944) (C "A" H-89)

Tabled—May 1, 1985, by Senator **VIOLETTE** of Aroostook.

Pending — **PASSAGE TO BE ENGROSSED AS AMENDED**

(In House, April 25, 1985 **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-89)**.)

(In Senate, April 29, 1985, **READ A SECOND TIME**.)

On motion by Senator **GAUVREAU** of Androscoggin, Senate Amendment "A" (S-68) was **READ**.

THE PRESIDENT: The Senator has the floor.

Senator **GAUVREAU:** Thank you, Mr. President, and Men and Women of the Senate. L.D. 944 in its original form was designed to mandate that all of the participating local districts which are in the Maine State Retirement System provide for a cost-of-living adjustment to members and retirees.

There are currently over two hundred and sixty such local districts, all but twenty-one of which offer either Social Security or cost-of-living. When the districts joined the system it was a voluntary or elective measure whether to provide for cost-of-living for the members. Consequently, the Committee although sympathetic to the need of the retirees for . . . felt that it would be inappropriate to mandate to the local districts that those cost-of-living be provided retroactively.

Consequently, the Committee amended the bill to allow for its effective date on June 30, 1987 under the impression that no cost would be imposed upon local districts prior to that time, and that if the districts wanted to stay in the System beyond June of '87 that they could do so, and then provide cost-of-living to the various members in the System.

We found out later on that, in fact, although the local districts could have withdrawn from the Maine State Retirement System prior to June 1987 the various members within the local district could stay within the System and that would have in fact resulted in imposing an unintended cost on the local districts.

This amendment is designed to eliminate that problem and to clarify that any local district which withdraws from the System prior to June 30, 1987 will have no additional costs. Thank you.

Senate Amendment "A" (S-68) **ADOPTED**.

Which was **PASSED TO BE ENGROSSED as Amended**, in **NON-CONCURRENCE**.

Sent down for concurrence.

On motion by Senator **PEARSON** of Penobscot the Senate removed from the Special Appropriations Table:

An Act to Authorize the Use of Blue Lights on Liquor Enforcement Vehicles. (S.P. 519) (L.D. 1393)

THE PRESIDENT: The Senator has the floor.

Senator **PEARSON:** Mr. President this was originally put on the Appropriations Table because it was thought that it was meant to have money in order to buy the blue lights to put on the State Liquor Enforcement Vehicles. We now find that the State Police have a surplus of those blue lights and consequently it will not cost anything.

I have informed leadership that I was taking it off in both parties.

Which was **PASSED TO BE ENACTED** and having been signed by the President was by the Secretary presented to the Governor for his approval.

Senator **TWITCHELL** of Oxford was granted unanimous consent to address the Senate Off the Record.

On motion by Senator **DUTREMBLE** of York, **ADJOURNED** until 12 noon tomorrow.